

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Douglas Leoni

v.

Civil No. 12-cv-04-JD

Mortgage Electronic Registration
Systems, Inc., et al.

O R D E R

Douglas Leoni brought suit in state court, alleging claims against Mortgage Electronic Registration Systems, Inc. (MERS); Bank of America Loans Servicing, LP; and Bank of America, NA that arose from his attempts to have his mortgage loan modified and to avoid foreclosure. The defendants removed the case to this court and moved for judgment on the pleadings. Leoni failed to file a response to the motion for judgment on the pleadings.

Under the local rules of this district, an objection to a motion for judgment on the pleadings must be filed within fourteen days from the date the motion was served. LR 7.1(b). "The court shall deem waived any objection not filed in accordance with this rule." Id. "[I]t is within the district court's discretion to dismiss an action based on a party's unexcused failure to respond to a dispositive motion when such response is required by local rule, at least when the result does not clearly offend equity." NEPSK, Inc. v. Town of Houlton, 283

F.3d 1, 6-7 (1st Cir. 2002); see also ITI Holdings, Inc. v. Odom, 468 F.3d 17, 18 (1st Cir. 2006).

Leoni is represented by counsel. Cf. Asselin v. Purington, 2012 WL 3024132, at *3 (D. Me. June 5, 2012) (considering failure to respond by pro se litigant). The defendants provide reasoned bases to support judgment on the pleadings as to each of Leoni's claims. In the absence of a response from Leoni, the defendants' reasoning is persuasive and supports dismissing the claims.

Conclusion

For the foregoing reasons, the defendants' motion for judgment on the pleadings (document no. 12) is granted. As all of the plaintiff's claims are dismissed, the clerk of court shall enter judgment in favor of the defendants and close the case.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

August 9, 2012

cc: Cory R. Mattocks, Esquire
Christopher J. Somma, Esquire